

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-CR-00219-DGK
)	
VERNON BLAIR,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO SUPPRESS

Before the Court is Defendant’s Motion to Suppress Pursuant to *Franks v. Delaware* (ECF No. 28) and United States Magistrate Judge W. Brian Gaddy’s Report and Recommendation (ECF No. 44). After reviewing Judge Gaddy’s report and conducting an independent review of applicable law and the record, including all responses and replies to the motion to suppress (ECF No. 37, 38), the objections and responses to the Report and Recommendation (ECF No. 45, 46), and the transcript from the hearing held on May 11, 2021 (ECF No. 41), the Court ADOPTS the Report and Recommendation (ECF No. 44) and DENIES Defendant’s motion (ECF NO. 28).

Defendant makes several objections to the Magistrate’s report. First, without any supporting law, Defendant argues that the Magistrate improperly found that he had no standing to object to the search that uncovered narcotics and a firearm. Second, again, without any supporting law, he argues that the Magistrate erroneously found that he was not entitled to a *Franks* hearing. Neither argument has any merit. The Magistrate issued a well-supported and well-reasoned report that correctly found against Defendant on both these issues. It is quite clear from the governing law cited in the report that Defendant has no Fourth Amendment standing to object (1) to the search of the back porch stairs of a home where he was not an invited guest, resident, or owner; and (2)

the seizure of the narcotics and gun found under those stairs to which he disclaims any ownership or possessory interest. It is equally clear that even assuming Defendant had standing to contest the search and seizure, he is not entitled to a *Frank's* hearing. Once any allegedly false or misleading statements are removed from the affidavit used to obtain the warrant, there still existed more than sufficient probable cause.

The Court ADOPTS the Report and Recommendation (ECF No. 44) and DENIES Defendant's motion (ECF No. 28).

IT IS SO ORDERED.

Date: December 10, 2021

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT